



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

SHERMAN D PERNIA, ESQ., PC  
1110 NASA ROAD ONE  
SUITE 450  
HOUSTON, TX 77058-3310

**COPY MAILED**

**MAY 20 2005**

**OFFICE OF PETITIONS**

In re Application of	:	
Kathy Maida-Smith, et al.	:	
Application No. 09/990,194	:	ON PETITION
Filed: November 21, 2001	:	
Attorney Docket No. 66997.0102	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 29, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers mailed December 18, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 19, 2002.

In view of the submission of the petition fee in the small entity amount of \$685, status as a small entity remains. If the application is, in fact, entitled to large entity status, petitioner should promptly file a petition under 37 CFR 1.28.

The petition was not accompanied by the response to the outstanding Office action of December 18, 2001 or by a letter of express abandonment; but indicates that the reply is the filing of a continuing application. In view of the statement that the reply is the filing of a continuing application, the above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

*Retta Williams*

Retta Williams  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy